

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

538B0099

HOUSE BILL NO. 1170

Introduced by: Representative Haley and Senator Flowers

1 FOR AN ACT ENTITLED, An Act to revise the provisions of certain statutes pertaining to
2 insufficient funds checks.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-41-1 be amended to read as follows:

5 22-41-1. Any person who, for ~~himself~~ such person, or as agent or representative of another,
6 for a present consideration or for the payment of rent, with intent to defraud, passes a check
7 drawn on a financial institution knowing at the time of such passing that there are not sufficient
8 funds in the account on which the check was drawn in the financial institution for the payment
9 of such check and all other checks upon such funds then outstanding, in full upon its
10 presentation, although no express representation is made with reference thereto, is guilty of
11 passing a check against insufficient funds. A person who passes a check of one hundred dollars
12 or less against insufficient funds is guilty of passing a check against insufficient funds in the third
13 degree, which is a Class 2 misdemeanor. A person who passes a check or a series of checks
14 within any thirty-day period in the amount of five hundred dollars or less but more than one
15 hundred dollars, against insufficient funds, is guilty of passing a check against insufficient funds
16 in the second degree, which is a Class 1 misdemeanor. A person who passes a check of more

1 than five hundred dollars, or a series of checks within any thirty-day period totaling more than
2 five hundred dollars, against insufficient funds is guilty of passing a check against insufficient
3 funds in the first degree, which is a Class 6 felony.